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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,887	06/22/2001	Vincenzo Tomarchio	CM2385	7950

27752 7590 02/10/2003

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL TECHNICAL CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER	
TORRES VELAZQUEZ, NORCA LIZ	
ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 02/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/887,887

Applicant(s)

TOMARCHIO ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by MANNING et al. (US 4755421).

MANNING et al. discloses a nonwoven fibrous web having high wet tensile strength when packed in a preservative liquid load, yet that breaks up under mild agitation conditions in a wet environment such as by the flushing action of a toilet. The wiper includes a nonwoven web made of a special blend of cellulosic fibers held together only by friction and naturally occurring hydrogen bonding. The nonwoven fibrous web is produced by subjecting a wet-laid web of cellulosic fibers to hydroentanglement and drying the web without addition of a bonding agent. (Abstract)

The reference further teaches the nonwoven fibrous web of their invention is capable of decomposing in a septic system. (Column 2, lines 53-54) It is noted that this teaching reads on claim 6.

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MANNING et al. further disclose that at least 70 weight percent wood pulp fibers and at least 5 weight percent short, staple length regenerated cellulose fibers are hydroentangled together to form a composite web having a wet tensile strength of at least 250 grams per inch, which is equivalent to 2.45 N/inch. (Column 2, lines 54-58) The reference further teaches the

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use of synthetic cellulosic fibers such as rayon, and other non-cellulosic synthetic fibers. (Column 3, lines 32-51).

MANNING et al. also discloses the use of antimicrobial agents, bactericides and other biological control agents in a wet wiper. (Column 1, lines 41-56)

3. Claims 1-12, 14-28 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by JONES et al. (US 4725489).

JONES et al. discloses a disposable article for light cleaning of hard surfaces, such as bathroom surfaces, that comprises a nonwoven substrate, preferably of cellulosic or cellulose-containing material, carrying an aqueous cleaning composition loaded onto the substrate. (Abstract and Column 1, lines 13-16) The reference further teaches the use of rayon (regenerated cellulose). (Column 3, line 46 and Column 5, lines 1-3). JONES et al. teaches that the fibers may be processed into the nonwoven substrate by various well-known methods such as, for example, air laying, hydraulic lacing or thermal bonding. (Column 4, lines 29-33).

JONES et al. further teaches that the liquid loading level should not exceed about 75% of the substrate's absorbance capacity and preferably should not exceed 50% of the absorbance capacity. For example, if a substrate has an absorbance capacity within the preferred range of 600% to 1000%, it can preferably be loaded with aqueous solution in an amount ranging from about 1.0 to about 4.0 times its weight. Using, as a specific example, a cellulosic substrate sheet of 8 inches by 10.5 inches having a weight of 5 grams and an absorbance capacity of 40 grams (800%), a satisfactory loading level of aqueous solution would be from about 7.5 grams to about 15.0 grams (1.5 to 3.0 times the weight of the substrate). Below the lower loading level of 7.5 grams, satisfactory cleaning is not attained. (Column 9, lines 11-33).

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Regarding claims 10-12, the reference further teaches the use of disinfectants in the wipe and lists the use of rose oil as a fragrance. It also teaches the use of other fragrances such as spice, woody, oriental and the like. (Column 8, lines 61-68 through Column 9, lines 1-7)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JONES et al. as applied to claims 1-12, 14-28 and 30-32 above, and further in view of ADAMS et al. (US 4117187).

JONES fails to disclose the use of organic acid such as citric acid, tartaric acid and lactic acid.

ADAMS et al. discloses a premoistened wiper having high initial wet strength in a wetting liquid, and lower wet strength when immersed in substantially neutral water to allow for flushability. (Abstract) The reference teaches the use of organic acid in an amount sufficient to maintain the liquid medium at a desired pH level. (Column 2, lines 35-38) It is noted that citric acid and lactic acid are polycarboxylic acids. Further, the ADAMS et al. reference teaches the use salts of polycarboxylic acid. (Column 5, line 32)

Since both JONES et al. and ADAMS et al. are from the same field of endeavor, the purpose disclosed by ADAMS et al. would have been recognized in the pertinent art of JONES et al.

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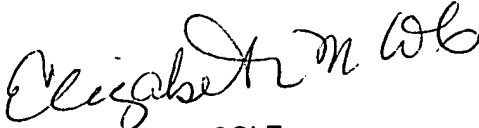
It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the cleaning composition of the wet wiper and provide it a polycarboxylic acid with the motivation of maintaining the liquid medium at a desired pH level as disclosed by ADAMS et al. above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:30-3:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt  
February 5, 2003

  
ELIZABETH M. COLE  
PRIMARY EXAMINER

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